

C O P Y

NEW HAMPSHIRE ATTORNEY GENERAL

September 5, 1955

SEP 22 1955

CONCORD, N.H.

Honorable Alfred J. Chretien  
Municipal Court of Manchester  
Manchester, New Hampshire

Dear Judge Chretien:

I have considered the question you proposed relative to the effect of chapter 282, Laws of 1955, on the status of "under the influence" cases. May I respectfully suggest as follows:

On and after the effective date of the new section 16 of R.L., c. 118 (RSA 262:19), it is my opinion that the old law has no force or effect and the new law must control. State v. Cobin, 96 N.H. 220, and State v. Arlin, 39 N.H. 179, considered closely related questions and the Supreme Court ruled that the law in effect at the time of sentencing governed. The Cobin case concerned an individual who was indicted for larceny of two automobile tires on February 8, 1949. He was tried and convicted on May 4, 1949. The statute in effect on the date of the commission of his crime was amended by an act which took effect on April 13, 1949. The April 13th statute governed and he was given a lighter sentence than could have been imposed under the statute in effect at the time of the commission of his crime.

In view of these cases, I feel reasonably certain that the new act after its effective date is controlling.

Very truly yours,

Louis C. Wyman  
Attorney General

AEB, Jr/aml

cc: Conrad Danais, Esq.  
County Solicitor  
Manchester, New Hampshire